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No. 04-1253

IN THE

Supreme Court of the United States

LORENA ACKERMAN, et al.,
Petitioners

v.

TRACY EDWARDS, et al,
Respondents

On Petition For Writ Of Certiorari
to the California Court of Appeal, Third District

BRIEF OF *AMICUS CURIAE* GENE SLOAN IN SUPPORT OF PETITION FOR CERTIORARI

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Comes now Gene Sloan and submits this brief as *Amicus Curiae* in support of Petitioners Lorena Ackerman, et al with the consent of the Petitioners and Respondents.[1]

I
INTEREST OF *AMICUS CURIAE*

Nearly a fifth of California's 61 gambling tribes are split by membership disputes. At least 1,160 people in 14 California tribes are fighting over membership status, amounting to about three-quarters of all such fights nationwide. (Sacramento Bee July 15, 2004.) Movant and his family are the victims of such a membership dispute.

Amicus, Gene Sloan is a member of the Cahto Tribe of the Laytonville Rancheria of California under the eligibility requirements contained in the Tribe's Articles of Association, as amended, and the Enrollment Ordinance. In 1991 Mr. Sloan received a Settlement Option Notice from the Department of the Interior, pursuant to PL 100-580, the Hoopa Yurok Settlement Act. As a participant, the settlement agreement gave Mr. Sloan three choices, to select: (1) Hoopa Tribal Membership; (2) Yurok Tribal Membership; or (3) Lump Sum Payment. Mr. Sloan, a Cahto Tribal member, chose option (3). The Notice states that "Option 3 is not a termination provision. It has no effect on any ties you may have to Indian tribes other than Hoopa and Yurok." At a counseling meeting in 1991, Dorson Zunie of the BIA assured the members of the Sloan/Hecker family that their election of Option 3 would not affect their existing membership rights in the Cahto Tribes.

In May 1995, the Laytonville Rancheria opened the Red Fox Casino, that has since generated significant revenues, and provided sizeable per capita payments to individual tribal members. In a move to reduce membership and increase the per capita share of remaining members payments, Mr. Sloan together with over 20

1. Pursuant to Rule 37.6, in addition to the amicus curiae, the following people made monetary contributions to the preparation of this brief: Eddie Vedolla, Robert Edwards, Carla Maslin, Debra Sarot and Trina Wehunt.

members of the Sloan/Hecker family were removed from the Tribe. This was done in spite of the fact that Mr. Sloan was a rightful member of the Cahto Tribe in accordance with the Tribe's Articles of Association and Enrollment Ordinance, and despite the complete absence of evidence that he ever relinquished his membership nor obtained membership in another Tribe. As such, Mr. Sloan was disenrolled by individual members of his Tribe acting in violation of the Cahto Articles of Association and Enrollment Ordinance, and without the due process of law guaranteed by the Indian Civil Rights Act (ICRA). (25 U.S.C.A. §1301 et seq.)

In a decision upheld by the Regional Director, the BIA Superintendent declined to recognize the Sloan family's disenrollment on the basis that the tribe misinterpreted the HYSA and mis-applied Article III of its Articles of Association. However, Mr. Sloan was advised that the BIA had no jurisdiction to reverse the determination. The Cahto Tribe does not have a Tribal Court nor is the Cahto Tribal Council or any other elected or appointed body of the Tribe empowered to act as a judicial authority. Absent a tribal judicial forum that may grant redress, and in light of the BIA's ruling that it has no jurisdiction to proceed further, the impact of the decision of the California Court of Appeal in *Ackerman* v. *Edwards*, 121 Cal.App.4th 946, 17 Cal.Rptr.3d 517, (Cal.App. 3 Dist. 2004) (Pet. For Cert. Filed 3/15/05), is to deprive the Sloan/Hecker family of access to the courts of California under Public Law 280 (28 U.S.C.A. §1360), to obtain judicial review and correction of this lawless act performed by members of their tribe acting without authority of tribal or any other law.

Mr. Sloan's interest in this case is to support the petition for *certiorari* filed by the plaintiffs in the *Ackerman* case, and to urge this Court to grant the petition and declare that 28 U.S.C.A. §1360, subd. (a) authorizes the Courts of California (and the other states subject to this

Congressional conferral of jurisdiction) with the power to hear and determine disputes between purportedly disenrolled tribal members and the individual tribal functionaries who, without legal authority under tribal constitution or laws, promulgated the disenrollment orders. He will further show that §1360, subd. (c) empowers such State Courts to apply tribal law, interpreted to incorporate the rights conferred by the ICRA, to the adjudication of these disputes. He will also argue to this Court that it was the intent of Congress in enacting PL 280 to remedy the problem of "lawlessness" in "Indian Country" by authorizing State Courts to fill the vacuum created by the absence of an effective tribal judicial system. This is precisely the situation that exists in the majority of California tribes. Lacking tribal courts, or any semblance of a judicial system, unfettered majorities can impose their personal agendas without regard to the Tribe's governing documents. Individuals who find themselves even temporarily in the political minority are the victims of this lawlessness, most dramatically exemplified by the current profit-driven plague of disenrollments sweeping the California tribal landscape. Without PL 280 jurisdiction over such cases, Mr. Sloan's identity as a Cahto, a Native American and his property interests, including financial payments and other benefits stemming from his membership in the Tribe, will be irretrievably lost. His situation is exemplary of hundreds of other Native Americans who have experienced the same unlawful treatment, or who daily live under this damoclean sword.

Petitioners and Respondents have consented to the filing of this brief. *Amicus* also requests leave to file a brief on the merits.

II
SUMMARY OF ARGUMENT

Under the ICRA, a tribe "shall not deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law." (25 U.S.C.A. §1302(8)) The courts of California have jurisdiction over civil causes of action between Indians or to which Indians are parties that arise in Indian Country. (28 U.S.C.A. §1360(a)) §1360(c) requires that Tribal law be granted full force and effect unless it is in conflict with California law. In addition to the laws enacted by the Tribe, the provisions of the ICRA) are to be read as part of tribal law. (See *Santa Clara Pueblo* v. *Martinez* 436 U.S. 49, 51)

According to the *Ackerman* opinion at 121 Cal.App.4th p. 948, Petitioners filed a Petition for Writ of Mandate against members of the Tribal Council of the Redding Rancheria, challenging a Council resolution that set forth the procedures for conducting hearings on the reconsideration of a member's enrollment in the tribe. They argued the resolution denied them due process under the tribal constitution and the ICRA. The Trial court quashed service of process finding it lacked jurisdiction. The Appellate Court indicated Petitioner based jurisdiction on the ICRA, though Petitioner's Opening Brief had clearly stated that jurisdiction was conferred on the California Courts by Public Law 280, 28 U.S.C.A. §1360. The *Ackerman* Court rejected State Court jurisdiction based either on the ICRA or PL 280 based on an unprecedented reading of this Court's decision in *Santa Clara Pueblo* v. *Martinez, supra.* That is, since Congress, in passing the ICRA in 1968 did not confer jurisdiction on the Federal Courts to grant injunctive and declaratory relief for violations of the rights conferred by that statute, such jurisdiction must also have been withheld from the State Courts when

Congress passed PL 280 fifteen years earlier. (See 121 Cal.App.4th at pp. 953-954) The *Ackerman* court thus found the Plaintiffs' attempt to enjoin enforcement of an unconstitutional tribal resolution to be tantamount to an action against the Tribe, not authorized by PL 280, and gave short shrift to the attempt to apply the well-established doctrine expressed in *Ex parte Young* 209 U.S. 123 (1908), allowing injunctions against officials to prevent their enforcement of unconstitutional laws. (Id.) Until *Ackerman*, no PL 280 Court has ever given *Santa Clara* such an expansive and unwarranted reading. Movant asks this Court to reject it, and to clearly endorse the Congressionally mandated role of State Courts acting under PL 280 to apply tribal law to resolve disputes involving tribal officials who, acting outside the scope of their lawful authority, have shed the mantle of the Tribe's sovereign immunity, and are properly subject to equitable relief under state and tribal law.

III
PUBLIC LAW 280 WAS ADOPTED TO CURE THE PROBLEM OF LAWLESSNESS IN INDIAN COUNTRY BY PROVIDING CERTAIN STATES WITH THE AUTHORITY TO ADJUDICATE DISPUTES BETWEEN INDIVIDUAL INDIANS

Indian Tribes are dependent sovereign entities. The extent of that sovereignty is within the plenary power of the United States Congress to delimit. (See e.g. *Santa Clara Pueblo* v. *Martinez*, *supra*, at pp. 55-58) Public Law 280 is an exercise of that plenary power, granting State Courts jurisdiction in civil cases between Indians arising in Indian Country. (28 U.S.C.A. §1360(a); see also *Organized Village of Kake* v. *Egan*, 369 U.S. 60, 74 (1962)). This grant of jurisdiction authorizes State Courts to apply their "rules of decision to decide such disputes" and other controversies having "to do with private rights and status." (*Bryan* v. *Itasca County*, 426

U.S. 373, 384-85 fn.10 (1976)).

In exercising the jurisdiction conferred by subd. (a), California Courts are authorized to apply, and thus to interpret Tribal Law, to the extent it does not conflict with State Law. *(28 U.S.C.A. §1360(c))*. Collectively, these provisions establish the framework for State Court adjudication of intra-tribal disputes among individual Indians, such as that presented in this case. (See *Bryan*, 426 U.S. at 384.)

In subd. (b) of §1360, Congress expressly stated the only matters that would be excepted from its grant of jurisdiction under subds. (a) and (c). Those exceptions are limited to state or local laws regarding the "... alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe," and state laws or actions seeking "... to adjudicate, in probate proceedings or otherwise, the ownership or right to possession of such property or any interest therein." (28 *U.S.C.A.§1360(b))*. The *Ackerman* Court, however, erroneously added "membership decisions" to this list of exemptions. (121 Cal.App.4th at pp. 521-522 and fn.2). It did so by misreading this Court's decision in *Santa Clara* to the effect that only tribal courts and non-judicial tribal institutions were competent to decide such questions. (436 U.S. at p. 71). In doing so it failed to recognize that in *Santa Clara*, this Court was concerned with the jurisdiction of the Federal Courts under U.S. Const., Art. III, as delineated by Congress. The question of the role of state Courts under PL 280 was simply not presented. Thus the conclusions drawn by the *Ackerman* court were warranted neither by the *Santa Clara* holding, nor by anything in the text or legislative history of PL 280.

In construing a statute, the Court must follow its plain meaning. (2A Sutherland on Statutes and Statutory Construction § 46.01 (5th ed.1992)). "The

'strong presumption' that the plain language of the statute expresses congressional intent is rebutted only in 'rare and exceptional circumstances,' when a contrary legislative intent is clearly expressed." (*Ardestani* v. *Immigration and Naturalization Service*, 502 U.S. 129, 135, 36 (1991)). As already noted, the plain language of PL 280 does not exempt membership questions from state court jurisdiction. The legislative history requires the conclusion that such questions are properly within the scope of that jurisdiction.

Reviewing the Congressional intent behind the enactment of PL 280, the United States Supreme Court noted that it was intended to resolve the problem of lawlessness on certain Indian reservations, and the absence of adequate tribal institutions for law enforcement -- the situation that exists in the Redding Rancheria, the Cahto Tribe, and the vast majority of tribes in California. (See *Bryan* v. *Itasca County*, *supra*, at p. 379). In *Bryan,* this Court said PL 280 jurisdiction was to give individual Indians "the feeling of a conviction that [the Indian] has access to the same services, including the courts, as other citizens of the State who are not Indians." (*Id.*, at 382, quoting Unpublished Transcript of Hearing on H.R. 1063 before the Subcommittee on Indian Affairs of the House Committee on Interior and Insular Affairs, 83d Cong., 1st Sess. (1953)). "In short the consistent and exclusive use of the terms 'civil causes of action,' and 'adjudication,' in both the Act and its legislative history virtually compels our conclusion that the primary intent of sec. 4 was to grant jurisdiction over private civil litigation involving reservation Indians in state court." (*Bryan*, at pp. 384, 385.).

Bryan continues: "this interpretation is buttressed by (§1360) (c) which provides that "any tribal ordinance or custom. . . adopted by an Indian tribe . . in the exercise of any authority which it may possess shall, if not inconsistent with any applicable civil law of the State,

be given full force and effect in the determination of civil causes of action pursuant to this section." (*Bryan*, at 385.)

The wholesale expulsion of tribal members in blatant disregard for the constitution and laws of the tribe by individuals arrogating to themselves power they do not lawfully possess is as much a manifestation of lawlessness as is a more traditional crime wave. The remedy sought by Petitioners, enjoining officials from the ultra vires act of enforcing an unconstitutional law, is one available to all citizens of California. (*Major* v. *Miraverde Homeowners Assn.* (1992) 7 Cal.App.4th 618, 9 Cal.Rptr.2d 237 [Injunction is a proper remedy to prevent an ultra vires act in excess of a homeowners association's power.]; *Save the Welwood Murray Memorial Library Com.* v. *City Council* (1989) 215 Cal.App.3d 1003, 1017, 263 Cal.Rptr. 878 [Where city council proposed to violate terms of a deed creating a public trust, injunction will lie to prevent an ultra vires, and hence non-legislative, act.]) "Where public officers act in breach of trust or without authority, or threaten to do so, and such acts will result in irreparable injury, or will make necessary a multiplicity of suits at law to obtain adequate redress, they may be enjoined. [Citations]" (*Welwood Murray, supra*, at p. 1017, quoting *Pughe* v. *Lyle* (C.D.Cal. 1935) 10 F.Supp. 245, 248:)

IV
THE *ACKERMAN* COURT INCORRECTLY RELIED ON *SANTA CLARA* TO DENY PETITIONERS ACCESS TO CALIFORNIA STATE COURT TO DETERMINE THEIR CLAIMS

The *Ackerman* Court places entirely too much reliance on this Court's decision in *Santa Clara Pueblo, supra*. "We find no merit in Ackerman's assertion that the courts of California have jurisdiction over disputes

between tribal members and tribes through Public Law 280. As the trial court correctly observed, to extend jurisdiction to state courts would be inconsistent with the reasoning of *Santa Clara Pueblo*". (121 Cal.App.4th at p. 954). "While the petitioners argue that this case dealt only with the federal court's jurisdiction, there is nothing in the reasoning of *Santa Clara Pueblo* that would limit its application to federal courts. In addition, to find an exception for state courts would be inconsistent with the rationale of the decision." (Id.)

The context of the two cases could not have been more different. In *Santa Clara* this Court determined that the Federal Courts could only review custodial violations of the ICRA by writ of habeas corpus. This was based on a construction of the legislative purpose of Congress in enacting the ICRA. The *Ackerman* Court bootstraps this analysis by first accepting the false premise that the Trial Court's jurisdiction had been invoked under the ICRA. It proceeds to reject PL 280 jurisdiction, but it does so by viewing it through the lense of the *Santa Clara* analysis of the scope of Federal Court jurisdiction over the ICRA, i.e. balancing the interest of the tribes in self-government against individual tribal members' interest in the enjoyment of at least some of the basic constitutional rights enjoyed by every other citizen of the United States. This leads it to the false conclusion that the same legislative imperatives apply, though they do not.

The Senate Report on the adoption of PL 280 included this statement on the extension of civil jurisdiction to state courts:

> "The Indians of several States [California being one] have reached a stage of acculturation and development that makes desirable extension of State civil jurisdiction to the Indian Country within their borders. Permitting the State Courts to adjudicate civil controver-

> sies arising on Indian reservations, and to extend to those reservations the substantive civil laws of the respective States insofar as those laws are of general application to private persons or private property, is deemed desirable. ... and that a recommended legislation should retain application of Indian tribal customs and ordinances to civil transactions among the Indians, insofar as these customs or ordinances are not inconsistent with applicable State laws." S. Rep. 83-699, 83rd Cong., 1st Sess. 1953, 1953 U.S.C.C.A.N. 2409, 2412, 1953 WL 3205 July 29, 1953).

While the ICRA did amend PL 280, the amendments did not limit or repeal the jurisdiction conferred on California as one of the original "mandatory" states. "... The repeal of section 7 of the act of August 15, 1953 (67 Stat. 588), however, does not affect States which have already assumed jurisdiction under Public Law 280." (S. Rep. No. 721, 90th Cong., 2nd Sess. 1968, 1968 U.S.C.C.A.N. 1837, 1865-1866, 1967 WL 4171 (Leg.Hist.; Cf. *County of Inyo* v. *Jeff* (1991) 227 Cal.App.3d 487, 490, 277 Cal.Rptr. 841; See also: Cohen, Felix S., Handbook of Federal Indian Law (1982). Pp. 362-363.) Therefore, in the same piece of legislation that provided the Federal Courts limited jurisdiction for habeas corpus actions for violations of the Indian Civil Rights Act it retroceded some Public Law 280 jurisdiction and provided for Tribal consent for all other states, Congress left the jurisdiction of the "mandatory" states including California untouched.

Utilizing *Santa Clara* analysis, Congress was acutely aware of the balances between tribal self governance and individual tribal members rights. It purposely left individual Indians in California and the five other mandatory Public Law 280 states with the untram-

melled right to submit civil causes of action to the courts of those states for adjudication. Likewise, it left in tact the power of those courts to apply tribal law, as modified by the rights declared by the ICRA. Congress clearly reaffirmed its intent to provide California Indians access to State Court and that California State Courts still retained a specific mandate to apply tribal law in Public Law 280 actions with no requirement to obtain tribal consent.

Therefore, the *Ackerman* Court's assertion that the *Santa Clara* analysis that resulted in the limitation of the judicial enforceability of the ICRA in Federal Court, should also operate to limit PL 280 jurisdiction is clearly unfounded.

V
THE ACKERMAN COURT FAILED TO APPRECIATE THE AUTHORITY OF STATE COURTS TO APPLY TRIBAL LAW UNDER PUBLIC LAW 280

By relying on the *Santa Clara* analysis, the *Ackerman* Court entirely ignored a significant aspect of PL 280–the Congressional authorization of the State Courts to apply tribal law to the extent it was not inconsistent with state law. (28 U.S.C.A. §1360(c)). Based on this misunderstanding of Congressional intent, the *Ackerman* Court rejected Petitioners' argument that in this context, the Trial Court should have acted as the tribal court for the Redding Rancheria, since that Tribe had no tribal court, and had no constitutional provision vesting the judicial function in any other tribal institution.

Petitioners requested the Court below to determine whether individual tribal officials had violated the Tribal Constitution by enforcing an unconstitutional tribal resolution. The Court brushed this aside, holding that the Petitioner did not have a private right of action

under the ICRA. (121 Cal.App.4th at p. 954). The Court missed the nuance of the argument as it did not recognize the applicability of §1360(c). As will be seen in the next section, the Petitioners had a right to challenge the unconstitutional acts of Tribal officials under *Ex Parte Young*.

Here, it is sufficient to say that *Ackerman* is alone in its refusal to acknowledge the role of a PL 280 Court as a surrogate tribal court. (See e.g.: *St. Germaine* v. *Chapman* 178 Wis.2d 869, 874, 505 N.W.2d 450, 454 (Wis.App.,1993.) [State court will defer to the tribe only ". . . when it is prepared to deal with prevention of domestic abuse by Indians upon Indians on the reservation through its own laws *and its own court*." (Italics added.)]; *Teague* v. *Bad River Band of Lake Superior Tribe of Chippewa Indians* 236 Wis.2d 384, 612 N.W.2d 709 (Wis.,2000)["[Public Law 280 concerns providing Indian litigants with jurisdictional options beyond the tribal courts, not depriving tribal courts of jurisdiction that they otherwise rightfully possess as the courts of an independent sovereign." (236 Wis.2d at p. 403)]; *Lemke ex rel. Teta* v. *Brooks* 614 N.W.2d 242 (Minn.App.,2000). [State Court jurisdiction under PL 280 is concurrent with tribal courts where they exist, but State Courts should defer to tribal courts where the action seeks damages against a tribe, tribal official, or tribal business, or implicates the sovereign immunity of the tribe.]] Clearly these Courts recognized that in the absence of a functioning tribal court, it is the Congressional mandate of the State Court to fill that role.

The Writ of Mandate by which Petitioners proceeded in this case is a civil remedy available to all residents of California. It is an equitable remedy for a "civil cause of action" to vindicate the liberty interest of the Petitioners in not being arbitrarily deprived of the privileges, attributes, benefits, and personal identity inher-

ent in tribal membership. The cause of action is given legal substance by the Court's ability to interpret and apply the tribal constitution and laws under §1360(c).

VI

BECAUSE IT IMPROPERLY EXTENDED THE REACH OF THE *SANTA CLARA* DECISION, THE COURT BELOW FAILED TO RECOGNIZE THE APPLICABILITY OF *EX PARTE YOUNG*

As this Court clearly stated in *Santa Clara*: "[the tribe's governor] is not protected by the tribe's immunity from suit." See *Puyallup Tribe, Inc.* v. *Washington Dept. of Game*, *supra*, 433 U.S., at 171-172; cf. *Ex Parte Young*, 209 U.S. 123, (1908). We must therefore determine whether the cause of action for declaratory and injunctive relief asserted here by respondents, though not expressly authorized by the statute, is nonetheless implicit in its terms (Id. p. 59).

The few Tribal Courts that exist in California now generally apply the ICRA and the *Ex Parte Young* doctrine, notwithstanding persistent sovereign immunity claims. (See e.g.: *Marshall* v. *Colegrove*, No. C-89-003 (Hoopa Valley Tr. Ct. 1990) ["the immunity is lost when the tribal official is acting outside the course and scope of his official capacity."]; *Gray* v. *Hoopa Valley Tribal Election Board*, No. C-97-036 (Hoopa Valley Tr. Ct. 1997) [Interpreting *Santa Clara*, *supra*, as affirming tribal court exclusive jurisdiction to construe the tribal constitution and to enforce the Indian Civil Rights Act "where tribal agencies or officers act outside the scope of their authority."])

Another Tribal Court has held that an action for declaratory and injunctive relief under the ICRA is not even subject to sovereign immunity. (*Thompson* v. *Cheyenne River Sioux Tribe Board of Police Commissioners*, 23 Indian Law Rptr. 6045, (Cheyenne River Sioux Trib. Ct. of App., 1996).["for injunctive and

declaratory relief suits against tribal officials no waiver of tribal sovereign immunity is required since the scope of tribal sovereign immunity under tribal law does not extend to such actions." (Id. at 23 ILR 6048.)])

Ackerman asserted, without analysis, that neither the ICRA, nor the tribe's constitution create a private right of action. (121 Cal.App.4th at p. 523). Yet under state law, a constitutional provision declaring the right to privacy as been held "...self-executing; hence, it confers a judicial right of action on all Californians." (*Porten* v. *University of San Francisco* (1976) 64 Cal.App.3d 825, 829 134 Cal.Rptr. 839). The constitutional right of effective access to the courts is applicable not only in actions against a government entity, but also where the opposing litigants are private parties. (See *Mine Workers* v. *Illinois Bar Assn.* 389 U.S. 217, 222-223 (1967); *California Transport* v. *Trucking Unlimited* 404 U.S. 508, 510-511 (1972). Likewise, had the court subjected either the ICRA or the tribe's constitution to analysis under §1360(c), it would have found that recognition of a private right of action was necessary to allow individual tribal members to enjoy the rights conferred by the ICRA, and to prevent them from being rendered an empty promise.

VII
CONCLUSION

The Court below failed to heed the mandate of Congress that enacted PL 280 to provide Indians with access to an independent judiciary. This need is more critical today than it was in 1953, as the prosperity gained from tribal gaming multiplies the temptations to greed and corruption. Yet PL 280 itself led most tribes to eschew the creation of their own judicial systems. Thus, in those instances, the state courts provide the only forum for individual Native Americans to protect their interests including their fundamental rights of citi-

zenship, voting rights, property rights, and their essence of identity as descendants of a distinct and historic people. The economic interests at stake are conservatively counted in the millions of dollars.

The jurisdiction created by PL 280 actually strengthens tribal sovereignty as it provides an independent judicial forum in which Tribal Constitutions and laws, and the rights created thereby, can be enforced free from political pressure and unbridled majoritarian self-interest. By conferring this jurisdiction, Congress has made it possible for individuals to preserve the vitality of their sovereign laws, and to give substance to the notion that a constitution if it is to have legitimacy, must truly be made and enforced by the people. Currently as Tribes, Tribal officials and Tribal members who are politically aligned with the power brokers become wealthy, tribal members have become the most oppressed citizens in the United States. If the Petitioners have no forum in state court to vindicate their right to tribal membership, then they, and so many other native Americans like them will live under a pseudo-constitutional system, subject to amendment by the whim of the currently dominant faction. By thus undermining the legitimacy of tribal governments, the very anarchy and lawlessness at which PL 280 was directed, will prevail.

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